

Notice of Allowability

Application No.

09/186,902

Examiner

Jeremy R. Pierce

Applicant(s)

PUNG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Appeal Brief filed November 18, 2003.
2. ☒ The allowed claim(s) is/are 1-4, 8, 13, 20 and 21.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**


7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


ELIZABETH M. COLE
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Howell on January 28, 2004.

The application has been amended as follows:

--First, insert the following line after the "Title" and before the "Technical Field Section" on page 1 of the specification:

This application claims benefit of provisional application 60/066,207, filed on 11/19/1997.

--Second, please cancel claims 11, 12, 14-16, 18, and 19.

--Third, please amend claim 13 as follows:

13. (Currently amended) A process for preparing the [a] personal cleansing wipe article having superior softness, feel and cleansing properties according to claim 1, which process comprises:

A. placing a web of fibers on a foraminous forming plate or topographical support member comprising an essentially planar background surface with at least one

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recessed region significantly displaced from the background surface of the forming plate;

B. applying fluid force to the upper surface of the fibrous web such that the fibers become entangled and a patterned substrate is formed;

C. transporting the fluid away from the patterned substrate; and

D. coating or impregnating the patterned substrate with an aqueous cleansing composition comprising

a. from about 0.5% to about 12.5% of the cleansing surfactant; and

b. from about 0.5% to about 5% of a lipophilic skin moisturizing agent

to the extent of from about 100% to about 400% by weight of the substrate, wherein the cleansing surfactant comprises at least one anionic surfactant.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: The combination of references, in particular, the combination of Manning et al. (U.S. Patent No. 4,755,421) with James et al. (U.S. Patent No. 5,674,591) does not provide prima facie evidence that the claimed limitations of the non-embossed nonwoven substrate would be met. As Applicant argues in the Appeal Brief, one of ordinary skill in the art would have no motivation to combine the James reference with Manning to arrive at a wipe that contains raised fibrous regions that exhibit the average base weight and caliper range of the personal cleansing wipe of the present invention (page 4 of Appeal Brief). The Examiner agrees with the Applicant. In light of the criticality of the basis

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weight and thickness values of the substrate in conjunction with a base surface having a plurality of raised fibrous regions, it would not have been obvious to modify Manning in light of James in order to arrive at the present invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

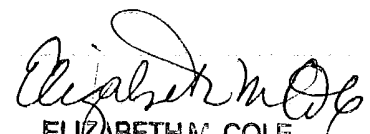
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Pierce whose telephone number is (571) 272-1479. The examiner can normally be reached on Monday-Thursday 7-4:30 and alternate Fridays 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0994.

JRP
JRP


ELIZABETH M. COLE
PRIMARY EXAMINER